

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

ALLEN E. VAUGHN, JR.,)
vs.)
Plaintiff,)
INDIANA DEPT. OF CORRECTION, et al.,) 1:11-cv-0979-JMS-TAB
Defendants.)

Entry Directing Further Proceedings

The clerk has docketed plaintiff's notice of appeal and associated documents. Those materials are suggestive of the plaintiff's intent to appeal what he has identified as "the final judgment entered by the Court on the 31[st] day of August, 2011." This description is annotated with the following statement: "The plaintiff notes to the court that it will use its initial order as its final judgment in order to avoid having received his Fed. R. Civ. 5.1 actions."

Final Judgment has not been entered in this action. The court did not issue a ruling on August 31, 2011. The court has not issued an order form which an interlocutory appeal can be taken as of right, and the plaintiff has not requested that any order issued be certified for interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

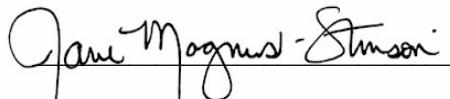
The requirements of a valid notice of appeal are: (1) identification of the party taking the appeal; (2) designation of the judgment or order being appealed; and (3) identification of the court to which the appeal is taken. *Smith v. Grams*, 565 F.3d 1037, 1041 (7th Cir. 2009) (citing Fed.R.App.P. 3(c)(1)).

A copy of the materials referenced above shall be included with the plaintiff's copy of this Entry. The plaintiff shall have **through October 31, 2011**, in which to comply with the requirements of Rule 3(c)(1) relative to his notice of appeal filed on September 30, 2011. Until an adequate notice of appeal is filed, the court can have no duty to respond as if a proper notice of appeal had been filed.

Nothing in this Entry shall delay or affect the rulings warranted based on the proceedings already conducted in the case.

IT IS SO ORDERED.

Date: 10/17/2011


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

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